

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 25635 of 2005(B)

PETITIONER:

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G.SHANMUGHAN,S/O.GOPALAN,  
HINDU AGED 50,RESIDING IN VETTUVILA VEEDU,  
NANDAVANAM,MANGALACKAL PARACHAL MURI,  
KULATHUMMAL VILLAGE,NEDUMANGAD TALUK,  
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMASWAMY PILLAI  
SI.P.M.JOSEPH

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY ITS  
CHIEF SECRETARY,GOVERNMENT SECRETARIAT,  
TRIVANDRUM.
  2. THE LABOUR COMMISSIONER,  
HOUSING BOARD BUILDING,SANTHI NAGAR,  
TRIVANDRUM.
  3. THE AGRICULTURAL LABOUR INSPECTOR,  
DISTRICT LABOUR OFFICER,VANCHIYOOR,  
TRIVANDRUM.
  4. KERALA STATE BAMBOO CORPORATION,  
REP. BY ITS MANAGING DIRECTOR,  
ANGAMALI,ERNAKULAM.
  5. THE REGIONAL OFFICER,  
KERALA STATE BAMBOO CORPORATION LTD.,  
VAZHUTHACAUD,TRIVANDRUM.
  6. THE DEPOT MANAGER,BAMBOO CORPORATION,  
MANGALACKAL DEPOT,NANDAVANAM,  
KATTAKADA P.O.
  7. KERALA STATE PARAMPARAGATHA ETTA  
CHOORAL AND BAMBOO WORKERS THIS NANDAVANAM,  
MANFALACKAL,KULATHUMMAL VILLAGE,  
NEDUMANGAD TALUK,KOTTAKADA - P.O.,TRIVANDRUM,  
REPRESENTED BY ITS PRESIDENT,NEERAMANKARA  
SASIKUMAR.

W.P.(C)NO.25635/05.

8. J.MONIAN,S/O.THE DEPOT MANAGER,  
MANGALACKAL DEPOT,NANDAVANAM,  
KOTTAKADA P.O.

9. A.MOHANAN,VARUVILA VEEDU,  
NJARAVILA,KULATHUMMAL VILLAGE,  
KOTTAKADA P.O.,NEDUMANGAD TALUK.

10. D.JOSE,KAVUVILA VEEDU,NANDAVANAM,  
MANGALACKAL,KATTAKADA P.O.,  
KULATHUMMAL VILLAGE,  
NEDUMANGAD TALUK,TVM.

BY ADV. SRI.B.S.KRISHNAN (SR.)  
SRI.K.ANAND (A.201)  
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**S. SIRI JAGAN, J.**

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**W.P.(C)NO.25635 OF 2005**  
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**DATED THIS THE 5<sup>th</sup> DAY OF JULY, 2007**

**JUDGMENT**

The petitioner was an employee under the Bamboo Corporation. There were five persons working along with the petitioner. Since the work load has come down drastically, the 4<sup>th</sup> respondent Corporation has decided to appoint only two workers permanently by selecting two of them in lot system. However, the petitioner wanted engagement of these workers on rotation, which was not acceded to by the 4<sup>th</sup> respondent. It is under the above circumstance, the petitioner has approached this Court seeking the following reliefs.

“i) That to issue the writ of certiorari or some other writ or direction or order to respondents 2,4 and 5 call for the records in connection with P1 and P2 and quash the same.

ii) That to issue writ of mandamus or some other writ or order or direction to respondents 2,4 and 5 to provide work for the petitioner.

iii) That to issue writ of mandamus or some other writ or order or direction to declare that the appointment of 8<sup>th</sup> and 10<sup>th</sup> respondents is illegal.

iv) issue such other relief as deems fit at the time of hearing.”

2. I am of opinion that this is an industrial dispute pure and simple and therefore, the remedy of the petitioner lies in filing complaint before the concerned Labour Officer raising an industrial

dispute as contemplated under the Industrial Disputes Act. If the petitioner files such complaint, the appropriate authority shall take appropriate steps as contemplated under the Industrial Disputes Act. Without prejudice to such liberty, this writ petition is dismissed.

**S. SIRI JAGAN, JUDGE**

Acd

